

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 202007755	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/31/2019 11:02 PM	Location of Incident: § 87(2)(b) and the PSA 7 stationhouse	Precinct: 07	18 Mo. SOL 11/30/2020	EO SOL 7/17/2021	
Date/Time CV Reported Tue, 11/24/2020 2:55 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 11/24/2020 2:55 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Foronjy	00108	963522	007 PCT
2. POM Allan Taeza	30253	929493	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Vince Wu	27185	946401	007 DET
2. SGT Kenneth Jefferson	4968	944678	007 PCT
3. POM Nelson Cordova	30093	925121	INT CIS
4. POM Ethan Miller		925748	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Foronjy	Abuse: At § 87(2)(b) in Manhattan, Police Officer Thomas Foronjy damaged § 87(2)(b)'s property.	§ 87(2)(b)
B.POM Thomas Foronjy	Abuse: Police Officer Thomas Foronjy entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
C.POM Allan Taeza	Abuse: At the 7th Precinct stationhouse, Police Officer Allan Taeza damaged § 87(2)(b)'s property.	§ 87(2)(b)

Case Summary

On November 24, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On May 31, 2019, at approximately 11:02 p.m., § 87(2)(b) was home at § 87(2)(b) in Manhattan with his father, § 87(2)(b) when § 87(2)(b) allegedly attempted to attack him with a pole, and § 87(2)(b) defended himself by grabbing his arm, scratching him. § 87(2)(b) went outside, found Police Officer Thomas Foronjy and Police Officer Allen Taea of the 7th Precinct, and brought them back to the building. § 87(2)(b) and the officers began speaking in the hallway. § 87(2)(b) showed Police Officer Foronjy his flashlight, and Police Officer Foronjy allegedly grabbed it from his hand, opened the door, and threw it into the apartment, breaking its focusing feature (**Allegation A – Abuse of Authority: Property Damaged**, § 87(2)(g)). Police Officer Foronjy told § 87(2)(b) they needed to go downstairs, and he stepped into the apartment when § 87(2)(b) went inside to retrieve his keys (**Allegation B – Abuse of Authority: Premises Entered**, § 87(2)(g)). § 87(2)(b) was arrested for assault and harassment. At 7th Precinct stationhouse, Police Officer Taea used a knife to cut off § 87(2)(b)'s belt (**Allegation C – Abuse of Authority**, § 87(2)(g)).

Body-worn camera (BWC) video was obtained from the BWCs of Police Officer Foronjy, Police Officer Taea, Sergeant Kenneth Jefferson, Police Officer Nelson Cordova, Police Officer Ethan Miller, and Police Officer Vance Wu of the 7th Precinct (Board Review 01). These videos are saved in IA#43 and are summarized in IA#53.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) in Manhattan, Police Officer Thomas Foronjy damaged § 87(2)(b)'s property.

§ 87(2)(b) was interviewed via telephone on December 21, 2020 (Board Review 02). Police Officer Foronjy was interviewed on April 9, 2021 (Board Review 03). Police Officer Taea retired before the investigation was able to interview him. Contact was unable to be established with § 87(2)(b).

§ 87(2)(b) stated that when the officers arrived in the hallway, he exited the apartment and showed Police Officer Foronjy his hands, told them who he was, told him he was holding a flashlight, and turned the flashlight on while it was pointed toward the floor. Police Officer Foronjy grabbed the flashlight from § 87(2)(b)'s hand, opened the door, and threw the flashlight into the apartment “like a baseball.” The flashlight landed on the floor approximately four feet away from the door. As a result, the flashlight’s focusing feature no longer works properly.

In Police Officer Foronjy’s BWC footage (Board Review 01, beginning at runtime 14:17), Police Officer Taea asks § 87(2)(b) “What’s this?” and he says it is a flashlight and turns it on briefly. Police Officer Taea says, “Put it back over there.” Police Officer Foronjy says, “Gimme, I’ll put it in. Give it to me.” Police Officer Foronjy briefly opens the door without entering the apartment, but what he does with the flashlight is not seen. However, he does not appear to throw it in the manner described by § 87(2)(b).

After watching this footage, Police Officer Foronjy stated that he believed he “placed” the flashlight down, but he did not recall where he placed it. Police Officer Foronjy denied throwing the flashlight into the apartment and damaging the flashlight.

Police Officer Foronjy's BWC footage shows that Police Officer Foronjy did not throw the flashlight into the apartment "like a baseball," as alleged by § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Thomas Foronjy entered § 87(2)(b) in Manhattan.

It is undisputed that § 87(2)(b) allowed Police Officer Foronjy to enter his apartment behind him while he went inside to retrieve his keys.

§ 87(2)(b) stated that Police Officer Foronjy asked him to go downstairs with him to meet Sergeant Johnson, who he expected to arrive soon. § 87(2)(b) asked Police Officer Foronjy to let him get his keys, which were in kitchen approximately four feet away from the front door. Police Officer Foronjy told § 87(2)(b) he was going to enter the apartment with him, and § 87(2)(b) agreed to let him enter. § 87(2)(b) and Police Officer Foronjy entered the apartment for approximately three seconds. Police Officer Foronjy took about two steps into the apartment and was in the apartment for two to three seconds. § 87(2)(b) grabbed his keys, exited the apartment, and locked the door behind him and Police Officer Foronjy.

In Police Officer Foronjy's BWC footage (Board Review 01, runtime 19:05), Police Officer Foronjy tells § 87(2)(b) that they will go downstairs to let in the supervisor. § 87(2)(b) says he needs to get his keys. Police Officer Foronjy replies, "Where is it? I'm going to come with you." § 87(2)(b) enters his apartment and says, "It's just right over here." Police Officer Foronjy says, "Okay, I have to watch." Police Officer Foronjy enters the apartment just past the threshold of the front door and stands there for approximately one second. § 87(2)(b) asks to get a piece of tissue, and Police Officer Foronjy does not allow him to do so. § 87(2)(b) then exits the apartment and locks the door, and he and Police Officer Foronjy walk downstairs.

Police Officer Foronjy initially did not recall entering the apartment with § 87(2)(b). When shown his BWC footage, Police Officer Foronjy stated that he stood with one foot on either side of the threshold of the doorway. He told § 87(2)(b) that he needed to watch him inside the apartment because he did not know what § 87(2)(b) planned on grabbing, and he wanted to make sure that § 87(2)(b) was only grabbing his keys.

The courts have established that warrantless entries into private residences are presumed unconstitutional. One of the exceptions to this rule is consent, and the courts have established that consent for officers to enter a home may be established by conduct, as well as words, and that once consent has been given, the scope of the ensuing action cannot exceed the consent. People v. Brown 233 A.D.2d 211 (1996) (Board Review 07).

Police Officer Foronjy told § 87(2)(b) that he needed to go inside to watch him retrieve his keys, and § 87(2)(b) did not object to this and showed him where the keys were. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (C) Abuse of Authority: At the 7th Precinct stationhouse, Police Officer Allen Taeza damaged § 87(2)(b)'s property.

§ 87(2)(b) stated that at the stationhouse, Police Officer Foronjy tried to remove his belt and said it was too tight. Police Officer Foronjy then cut the belt with a knife. Police Officer Foronjy's BWC footage (Board Review 01, runtime 45:34) shows Police Officer Taeza cutting § 87(2)(b)'s belt with a knife. A response to a request to the Department Advocate's Office for Police Officer Taeza's employment status indicated that Police Officer Taeza retired on August 15, 2020 (Board Review 06). § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
- Police Officer Thomas Foronjy has been a member of service for four years and has been a subject in five other CCRB cases and six other allegations, of which one was substantiated.
 - 202003817 involved a substantiated allegation of Abuse: Other for obstructing his shield number with a mourning band. The Board recommended Command Discipline A, and the NYPD has yet to take disciplinary action.
 - § 87(2)(g)
- Police Officer Allen Taeza retired on August 15, 2020. He was a subject in nine other CCRB cases and 18 other allegations, of which two were substantiated.
 - 201501315 involved substantiated allegations of Refusal to Provide Name/Shield Number and Discourtesy: Word. The Board recommended Command Discipline B, and the NYPD has yet to take disciplinary action,

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation.
- On May 21, 2021, an online Freedom of Information Law request for any notice of claim filed by § 87(2)(b) regarding this incident was sent to the Officer of the New York City Comptroller Board Review 07). Any responsive notice of claim will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 08).

Squad No.: 02

Investigator: Jean-Paul Lozada SI Jean-Paul Lozada 5/26/2021
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 6/2/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date